



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5342

Introduced 01/26/06, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

730 ILCS 125/5

from Ch. 75, par. 105

Amends the County Jail Act. Provides that the Illinois Department of Corrections shall pay the county one-half of the cost of incarceration of a person who is serving a term of mandatory supervised release for a felony if the person is incarcerated in a county jail on a new charge for a new offense (rather than being incarcerated for a violation of mandatory supervised release for the particular felony) for each day the person remains in the county jail only if (1) there is an outstanding warrant against the defendant issued by Illinois Department of Corrections for an alleged violation of a condition of mandatory supervised release based upon the acts alleged in the new charge; (2) a judge finds the defendant eligible for bond on the new charge; (3) the defendant is able to post the required bond; (4) the county notifies the Illinois Department of Corrections of the disposition of the bond hearing; and (5) the defendant remains in the custody of the county jail for more than 48 hours after the notice is provided to the Illinois Department of Corrections. Effective immediately.

LRB094 17436 RLC 52731 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The County Jail Act is amended by changing
5 Section 5 as follows:

6 (730 ILCS 125/5) (from Ch. 75, par. 105)

7 Sec. 5. Costs of maintaining prisoners.

8 (a) Except as provided in subsection (b), all costs of
9 maintaining persons committed for violations of Illinois law,
10 shall be the responsibility of the county. Except as provided
11 in subsection (b), all costs of maintaining persons committed
12 under any ordinance or resolution of a unit of local
13 government, including medical costs, is the responsibility of
14 the unit of local government enacting the ordinance or
15 resolution, and arresting the person.

16 (b) If a person who is serving a term of ~~has been convicted~~
17 ~~of a felony and has violated~~ mandatory supervised release for a
18 ~~that~~ felony is incarcerated in a county jail on a new charge
19 for a new offense pending the resolution of the violation of
20 ~~mandatory supervised release~~, the Illinois Department of
21 Corrections shall pay the county in which that jail is located
22 one-half of the cost of incarceration, as calculated by the
23 Governor's Office of Management and Budget and the county's
24 chief financial officer, for each day that the person remains
25 in the county jail if all of the following conditions are met:

26 (1) there is an outstanding warrant against the
27 defendant issued by Illinois Department of Corrections for
28 an alleged violation of a condition of mandatory supervised
29 release based upon the acts alleged in the new charge;

30 (2) a judge finds the defendant eligible for bond on
31 the new charge;

32 (3) the defendant is able to post the required bond;

1 (4) the county notifies the Illinois Department of
2 Corrections of the disposition of the bond hearing; and

3 (5) the defendant remains in the custody of the county
4 jail for more than 48 hours after the notice required in
5 paragraph (4) of this subsection (b).

6 (c) Calculation of the per diem cost shall be agreed upon
7 prior to the passage of the annual State budget.

8 (Source: P.A. 94-678, eff. 1-1-06.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.